

genus of oxygen scavenging compositions comprising a transition metal salt and a polymer comprising cyclic allylic pendant moieties, and Pampus teaches the specific cyclic olefinic groups presently claimed. Applicants respectfully traverse this rejection.

Applicants believe there is no suggestion or motivation, either in Ching, Pampus, or in the knowledge available to one of ordinary skill in the art, to combine the teachings of Ching and Pampus. Further, even if any such combination of the references could be made, the combination would not lead one of ordinary skill in the art to the present invention. The references neither teach nor suggest how one of ordinary skill in the art can go from the monomeric cyclic olefins of Pampus and the polymer comprising pendant groups of Ching to the polymer comprising cyclic olefinic pendant groups of the present invention.

Pampus teaches performing ring-opening of cyclic olefins and graft polymerization of the ring-opened cyclic olefins with an unsaturated polymer. The ring-opening is expected to form a linear unsaturated pendant group grafted onto the polymer (Pampus, col. 1, lines 5-11). Attempting to graft the cyclic olefins of Pampus onto the polymer of Ching following the teachings of Pampus would result in linear unsaturated pendant groups. Such a product is distinct from the presently claimed polymers, in which the pendant group is cyclic, not linear.

Use of the cyclic olefins of Pampus in the synthesis processes taught by Ching would also not generate the polymers presently claimed. Ching teaches, at col. 18, lines 5-36, the polymerization of a monomer comprising a desired pendant group (with ethylene or other comonomer, if a copolymerization is performed). Homopolymerization of the monomers of Pampus would result in a linear unsaturated polymer (Pampus, col. 1, lines 5-11). Copolymerization of the monomers of Pampus with e.g. ethylene would also result in a linear unsaturated polymer. Ching also teaches the modification of a polymer intermediate, such as by

imidation, esterification, transamidation, or transesterification (col. 19, lines 31ff.). The monomers of Pampus would not be expected to undergo imidation, esterification, transamidation, transesterification, or other modifying reactions, as they lack reactive groups capable of such reactions. Therefore, combining the references would not lead one of ordinary skill in the art to the present invention, and the rejection should be withdrawn.

4. Obviousness-type double patenting rejection

Claims 1-2, 4-13, 15-31, 33-90, and 92-98 are rejected under the doctrine of obviousness-type double patenting over claims 4-6 and 15 of Ching, in view of Pampus. The Examiner alleges that the cyclic groups of Pampus could be employed as graft moieties in the production of the polymers of Ching, if one desired to make the polymers of Ching crosslinkable as well as oxygen scavenging. Applicants respectfully traverse this rejection.

As discussed above, the combination of Ching and Pampus neither teaches nor suggests the presently-claimed polymers comprising specific cyclic olefinic moieties. Whether the teachings of Pampus could be used to provide cross-linking to the polymer of Ching is irrelevant. Therefore, Applicants believe this rejection should be withdrawn.

5. Summary

In conclusion, Applicants believe all pending claims 1-2, 4-13, 15-31, 33-90, and 92-98 are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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